

United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

**BETTIE PRIESTER and JOHN
PRIESTER, JR.,**

Plaintiffs,

v.

**HUGHES, WATTERS, AND ASKANASE
LLP and KRISTEN TINSLEY,**

Defendants.

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Case No. 4:17-cv-00627-ALM-KPJ

ORDER OF DISMISSAL

Pending before the Court is Plaintiffs’ Motion to Dismiss (the “Motion”) (Dkt. 32) In the Motion, Plaintiffs request dismissal of Plaintiffs’ Complaint against all Defendants without prejudice (Dkt. #32).

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” FED. R. CIV. P. 41(a)(1); or (2) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(ii) by filing “a stipulation of dismissal signed by all parties who have appeared.” *Id.*

The Motion is not signed by all parties; however, while Defendants have filed responsive pleadings in this case, no Defendant filed a response in opposition to the Motion.

Pursuant to the Eastern District of Texas’ local rules, “a party’s failure to oppose a motion in the manner prescribed [in Local Rule CV-7(d–e)] creates a presumption that the party does not controvert the arguments set out by movant and has no evidence to offer in opposition to the motion.” LOCAL RULE CV-7.

The Motion (Dkt. #32) is, therefore, **GRANTED**.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITHOUT PREJUDICE**. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 1st day of April, 2021.

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE